

BAY COUNTY BOARD OF COMMISSIONERS

RULES

ARTICLE I - MEETINGS

1. Regular meetings of the Board of Commissioners shall be held on the second Tuesday of each month ^(11/9/07) except for months in which meetings are required by statute. Statutory meetings in April and October shall take the place of one regular meeting unless otherwise determined by the Board. Any regular or adjourned meeting of the Board which falls upon a legal holiday shall automatically be set over to the next regular day following that is not a legal holiday, at the same time and place indicated for the regularly scheduled meeting unless the Board in session determines otherwise.
2. Regular meeting of the Board of Commissioners each month shall convene at 4:00 p.m. and recess/adjourn no later than 8:00 p.m. ¹
3. Meetings required, other than those regularly scheduled, may be scheduled by the Chairman of the Board.
4. Notice of meetings shall be given on the Board's monthly calendar and in accordance with the Open Meetings Act. Notice of Board meetings not included on the monthly Board calendar shall be accomplished through separate mailings in accordance with the Open Meetings Act.
5. A special meeting of the Board shall be called by the Chairman of the Board if petitioned for in writing specifying the time and date by at least one third (1/3) of the members elected. Notice of special meetings shall be given in writing to each member at least ten (10) days before the meeting date.
6. A quorum shall be required to conduct business. A majority of elected commissioners shall constitute a quorum.
7. Pursuant to the provisions of Act No. 267 of the Public Acts of 1976, all board and committee meetings shall be open to the public with the following exceptions:
 - A. Subject to 2/3rd's *roll call* ^(11/9/09) vote of the members elected or appointed and serving:

¹ Resolution no. 2009-43 adopted 4/14/09 changed time of meeting.

- a. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
 - b. To consult with its attorneys regarding trial or settlement strategy in connection with specific pending litigation, but only when an open meeting would have a detrimental financial effect on the litigating or settlement position of the County.
 - c. To review **and consider** (11/2/00) the specific contents of an application for employment or appointment to a public office when the candidate requests that the application remain confidential; however, all interviews by the Bay County Board of Commissioners for employment or appointment to public office shall be held in an open meeting.
 - d. To consider material exempt from discussion or disclosure by state or federal statute.
- B. Without a 2/3rd's vote of the members elected or appointed and serving:
- a. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member, or individual agent, when the named person requests a closed hearing. (It is incumbent on the Board of Commissioners to advise these individuals of their rights to a closed meeting in these matters.) ***A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered after the rescission only in open sessions*** (11/2/00).
 - b. For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement when either negotiating party requests a closed hearing.
8. It is specifically noted that any meetings wherein a quorum of the members of the Bay County Board of Commissioners elected and serving is to be present, such meeting shall be open to the public.
9. An accurate set of minutes shall be kept of all closed meetings. These will be kept on file and released by legal mandate. Whenever the Board meets in closed session as a whole body, the County Clerk or his/her designated representative

shall record and hold the minutes.

ARTICLE II - PARLIAMENTARY PROCEDURE

1. Roberts Rules of Order Newly Revised shall be used to conduct all meetings **except where these Rules specify other procedures** (11/9/00).

ARTICLE III - ORDER OF BUSINESS

1. In the transaction of business, the following order shall be observed:
 - I CALL TO ORDER
 - II ROLL CALL
 - III INVOCATION
 - IV PLEDGE OF ALLEGIANCE
 - V MINUTES OF PRECEDING MEETING(S)
 - VI CITIZEN INPUT (*as appropriate in accordance with the time of the meeting*) (11/9/00)
 - VII PETITIONS AND COMMUNICATIONS
 - VIII REPORTS/RESOLUTIONS OF STANDING COMMITTEES
 - IX REPORTS OF COUNTY OFFICIALS
 - XI UNFINISHED BUSINESS
 - XII NEW BUSINESS
 - XIII MISCELLANEOUS
 - XIV ANNOUNCEMENTS
 - XV CLOSED SESSION (if requested)
 - XVI RECESS OR ADJOURNMENT

ARTICLE IV - SELECTION OF OFFICERS

1. The Board shall meet on the first weekday following January 1st of each year for the purpose of organization. It shall be the duty of the Board Coordinator to notify all commissioners-elect of the Board by mail not more than 30 nor less than 20 days in advance of said meeting.
2. At this organizational meeting, the Clerk shall call the roll and preside over the election of a temporary chairman. The Board shall then elect from their membership a Chairperson, Vice Chairperson, and a Sergeant-at-Arms to serve for the ensuing year. **NOTE: ATTACHED IS A COPY OF RESOLUTION NO. 2001-022 ADOPTED BY THE BOARD 2/6/2001 RE ONE YEAR TERM OF OFFICE OF CHAIRPERSON OF THE BOARD.**
3. The duly elected Clerk of Bay County shall be the Clerk of the Board.

ARTICLE V - DUTIES OF OFFICERS

1. **Chairperson**
 - a. Shall preside at all regular and special sessions of the Board.
 - b. Shall determine the size of and appoint all standing and special committees of the Board.
 - c. Shall have the authority to revise the membership of any standing or special committees at a regular session of the Board, unless a majority of the members present shall object.
2. **Vice Chairperson**
 - a. Shall have and, in the absence or incapacity of the Chairperson, be vested with all the powers of the Chairperson. He/she shall also be an ex-officio member of all committees, but shall not be charged with the duty to attend their meeting unless requested by the Chairperson or in the event the Chairperson is incapacitated.
3. **Sergeant at Arms:**
 - a. Shall maintain order and decorum at all meetings of the Board.
4. **Clerk:**
 - a. Shall keep the minutes of all regular and special sessions of the Board.
 - b. May designate a deputy to carry out his/her responsibilities for any meeting of the Board. In the absence of the Clerk and/or his/her deputy, the Board shall appoint a member or an employee of the County to record the minutes of the Board and report them to the Clerk.
5. **Chairperson - Ways and Means Committee**
 - a. Shall be an ex-officio member of all other committees and, only in the absence of the Chairperson and Vice-Chairperson of the Board (in ex-officio capacity), shall be a voting member of such committees, with the exception of any committee of the Board to which he/she shall be appointed by the Chairperson of the Board and on which he/she shall have full voting rights.
6. **Parliamentarian (as appointed by the Board Chairperson):**
 - a. Shall, from time to time, as required by the Chairperson or a majority of the elected Commissioners present, issue an opinion regarding the Board of Commissioners' Rules and matters concerning Roberts Rules of Order Newly Revised.

ARTICLE VI - TRANSACTION OF BUSINESS

1. Except where specified by State Statute, Roberts Rules of Order Newly Revised, or these rules, the transaction of ordinary business shall be decided by a majority of those **Commissioners elected** (11/9/00) present and voting.
2. A roll call or recorded vote of a majority of Commissioners elected is necessary for the allowing of a claim or final passage or adoption of a **measure** (11/9/00), resolution, motion and/or ordinance.
3. The names and votes of Commissioners shall be recorded on an action which is taken by the Board or by a committee of the Board if the action is on an ordinance, resolution or appointment or election of an officer except the vote for Chairperson which may be by secret ballot. The vote and the name of the Commissioner voting on other questions or motions shall be recorded at the request of: 1/5 of the voting Commissioners elected if the question or motion is before the Board, or 1/3 of the Commissioners elected if the question or motion is before a committee of the Board. A record which is made pursuant to this rule shall be available for public inspection.

ARTICLE VII - COMMITTEES

1. The Committees of the Board shall be designated by the Chairperson who may seek input from the Vice Chairperson.
2. Statutory Boards whose members are elected by the Board are as follows:
 - A. Bay-Arenac Behavioral Health Authority (1/9/07) (Twelve (12) members with a limit of four (4) commissioners).
 - B. Bay County Library Board (Five (5) members).

ARTICLE VIII - ROLL CALL VOTES

1. A roll call vote may be requested and shall be called upon the request of any member of the Board, properly supported.
2. The Chairperson shall vote last on all roll call votes.
3. On roll call votes, the Clerk shall rotate the calling of the roll numerically by districts on a perpetual basis, giving each Commissioner the opportunity of a first vote. The Commissioner voting first at the last roll call vote of a meeting shall be the last to vote at the first roll call vote at the following meeting.

ARTICLE IX - ABSENCE

1. No Commissioner shall leave during a Board meeting without first obtaining permission of the Chair,
2. ***Commissioners absent from Board and/or Committee meetings for whatever reason, i.e. conflicting work schedule, illness, vacation, transportation problems, etc., will not be permitted to vote at Board and/or Committee meetings via telephone, teleconference, interactive television, or other means of audio/visual communication. Commissioners must be physically present to vote on issues considered at Board and/or Committee meetings. (11/9/00)***

ARTICLE X - AGENDA

1. Preceding each regular meeting of the Board, the Board members shall receive the following:
 - a. An agenda for the Board meeting.
 - b. A copy of the minutes of the previous meeting(s).
 - c. Copies of petitions, communications and resolution to be acted upon.
 1. Lengthy resolutions delivered as part of the agenda package need not be read in full at the regular meeting of the Board of Commissioners. If the decision of the Chair is to adopt without reading, it will only be necessary to refer to the resolution by ***page*** (11/9/00)/number/title. If any member of the Board objects, the full resolution, or any requested part of the resolution, shall be read before a vote is taken. The definition of a lengthy resolution shall be any resolution more than one letter size page.
 - d. Miscellaneous items at the Chairperson's discretion.
2. It shall be the responsibility of the Board Coordinator, under the direction of the Chairperson, to assure delivery of the agenda packet by ***placement on Commissioners' designated desk*** (11/9/00), mail or special handling.
3. Commissioners, committees or others petitioning the Board shall present to the Board Coordinator, by ***5:00 p.m. on the Wednesday*** (11/9/00) preceding the Board meeting, notification of any resolution, petition or correspondence to be considered at the meeting.

4. Any notification or presentation of a resolution, petition or correspondence received after the designated time will be considered by the Board only if approved by a majority of ***elected Commissioners*** (11/9/00) present and voting. Additional agenda items shall be noted by the Chairperson at the beginning of the meeting.
5. Any item placed on the board agenda must be approved for inclusion on the agenda by the Chairperson of the Board of Commissioners or the Chairperson of the appropriate Committee;

ARTICLE XI - RECOGNITION AND SPEECHES

1. When a Commissioner wishes to speak, he/she shall raise his/her hand until recognized by the Chairperson and shall not speak until so recognized. In the event more than one Commissioner seeks recognition to speak at the same time, the Chairperson shall determine which Commissioner shall speak first.
2. When a Commissioner has spoken at least twice on the same subject, any Board member may object to his/her speaking again on the same subject. The Chairperson shall poll the Board and a majority of those present and voting shall decide the objection.
3. A Committee's Chairperson shall not be restricted in his right to discuss matters upon which he/she is reporting his/her Committee's activities and recommendations, Rule XI - 2 notwithstanding.
4.
 - A. ***Citizens, other than Board members, wishing to address the Board and/or a Committee, shall have the opportunity to do so at the time indicated as Public Input on the Board and/or Committee agenda. The individual will be required to announce his/her name and the topic he/she wishes to address. Citizens addressing the Board and/or Committee shall be allocated a reasonable amount of time to present their statement, the time to be allocated by the Chairperson of the Board and/or Chairperson of the Committee. (11/9/00)***

ARTICLE XII - RESOLUTION

1. A written resolution shall not be acted upon by the Board unless it is sponsored by at least one Commissioner or a Committee.

2. Every resolution or motion, except to adjourn, recess, postpone, commit or table, shall be reduced to writing at the request of any Commissioner, properly supported. Such resolution shall be stated by the Chairperson before debate shall be in order and may be withdrawn by the mover before being voted upon.
3. All laudatory resolutions involving events of county-wide importance shall be presented in the name of the Bay County Board of Commissioners and signed by the Chairperson of the Board on behalf of its members, or, if required, by all Commissioners.

ARTICLE XIII - ORDINANCES

1. When adopting or amending Ordinances, the Board shall adhere to the limitations provided by State law, MCLA 46.11 (m).
2. Unless this rule has been suspended by the Board in accordance with Rule XXI, the Board shall use the following procedure in the amendment or adoption of an ordinance:
 - A. The proposed ordinance or amendment of an ordinance shall come to the Board in writing from an appropriate sponsoring Committee with an accompanying resolution requesting that the matter be considered by the full Board (the resolution need not be in support of the proposed ordinance or proposed amendment of an ordinance).
 - B. The Board may reject any further consideration of the matter at the first meeting.
 - C. If the Board chooses to give further consideration to the ordinance or amendment of an ordinance, it shall hold a public hearing at its next meeting (provided that the next meeting is no less than thirteen (13) days thereafter). The Board Coordinator shall ensure that notice of the public hearing is placed for three (3) consecutive days in a daily newspaper of general circulation throughout Bay County, with the last date of publication of the notice being no later than seven (7) calendar days after the Board meeting at which the ordinance or amendment or an ordinance was proposed for consideration.
 - D. At the meeting which includes the public hearing, the Board shall receive the input and suggestions of all interested persons and groups, orally and/or in written form. The Board shall take no action on the ordinance or the amendment of an ordinance at the meeting at which the public hearing is held, but shall refer it to the appropriate Committee and to counsel in order to consider and evaluate the input and suggestions provided by the public or Commissioners at the public hearing.

- E. The Board Coordinator shall publish a notice like that described above in subparagraph (C) to the effect that the Board of Commissioners will be voting on the final passage of the ordinance or the amendment of an ordinance at its next meeting, which notice shall indicate the date of the meeting.
- F. If the Committee to which the ordinance or amendment of ordinance was referred and counsel completed all changes deemed appropriate by them in view of the input and suggestions received at or before the public meeting, the final version of the ordinance or the amendment of an ordinance shall be placed before the Board of Commissioners at its next meeting with an accompanying resolution from the committee (the resolution need not be in support of the proposed ordinance or proposed amendment of an ordinance).
- G. Before adoption of the ordinance or the amendment of an ordinance at the third meeting of the Board of Commissioners at which the matter is before the Board for consideration, the Chairperson shall inquire of the Board Coordinator and determine that all of the above required procedures have been followed before proceeding to a roll call vote on final adoption of the ordinance or the amendment of an ordinance.
- H. If a delay occurs in any of the above procedures, such that the ordinance or amendment of an ordinance is not taken up for consideration at three consecutive meetings, the Chairperson shall state to the public the reason for the delay and the date of the next meeting to which the matter has been referred, which shall be reflected in the minutes of the Board.

ARTICLE XIV - RECONSIDERATION

- 1. A motion for reconsideration of a question shall not be in order unless made the same day or at the next meeting of the Board and unless a member who voted on the prevailing side shall move such reconsideration.

ARTICLE XV - SPECIAL ORDERS

- 1. Any time scheduled for special order of business at a specific time and/or date shall not be taken up prior to that time except with the approval of the 2/3rds of the Commissioners elected present and voting.

ARTICLE XVI - APPOINTMENTS

- 1. All appointments to Boards and Commissions under the jurisdiction of this Board shall be announced in the Bay City Times and/or on Bay 3 TV prior to date of

appointment.

2. In order to receive consideration for appointments, such request may be submitted in writing to the Bay County Board of Commissioners prior to the date of appointment or may be nominated by a Commissioner, from the floor, the day of the meeting but the Commissioner must have a written request from the individual stating that he/she would accept the nomination.
3. Such appointments may be made a special order of business at a regularly scheduled session of the Bay County Board of Commissioners, if requested.
4. Such appointments shall be made by a majority of Commissioners elected and serving.
5. In the event that a third ballot fails to produce a majority vote, the two highest candidates shall be balloted upon until a majority is obtained. A ten minute recess shall be called before each ballot, if requested.

ARTICLE XVII - COMMITTEE AGENDA

1. Whenever possible, an agenda shall be prepared by Committee Chairpersons and/or the Board Coordinator before each meeting.
2. Meetings of a committee may be convened by its Chairperson or by a majority of its members at any time upon reasonable written or telephonic notice and in conformity with the Open Meetings Act to its members and the Chairperson of the Board of Commissioners. A quorum for the transaction of business shall consist of a majority of regular Committee members.

ARTICLE XVIII - STANDING AND SPECIAL COMMITTEE MINUTES

1. Minutes of all standing and special Committees of the Board shall be filed with the Chairperson or secretary of the Committee with the Board Coordinator's office and either a copy provided as soon as possible after the Committee meeting or as part of the Committee's next meeting agenda. All affirmative action, ***requiring Board approval*** (11/9/00), shall be reported to the full Board.
2. The Board Coordinator shall cause to be delivered to the various Committee Chairpersons any referrals made at the regular session as soon as possible after said session.

ARTICLE XIX - COMPENSATION

1. The Board may set, by majority vote, the salary and/or per diem to be paid the next subsequent Board **by December 31** (11/9/00) preceding a new term of office.

ARTICLE XX - VACANCIES

1. Vacancies occurring on the Board of Commissioners, prior to the end of a term of office, shall be filled as provided by law (MCL 46.412).

ARTICLE XXI - BOARD RULES

1. These rules may be suspended by a two-thirds (2/3rds) vote of the **Commissioners elected** (11/9/00) present and voting, in a roll call vote.
2. These rules may be amended by a majority vote of Commissioners elected, provided such amendment be reduced to writing and read in full to the full Board session immediately preceding the session at which time such amendment is to be voted upon. Such amendment shall be by roll call vote.
3. These rules shall not limit or supersede any authority vested in the Board by existing or future legislation of the State of Michigan or any higher authority.
4. Any proposed amendment, revision or elimination of the rules shall be submitted in writing and shall lay on the table until the next regular meeting before they shall be up for final disposition.

ARTICLE XXII - EFFECT OF LAW

1. Any provision of these rules adjudged to be unlawful by a court of competent jurisdiction shall be treated for all purposes as null and void; but all other provisions of these rules shall continue to be in full force and effect except as provided herein.

NO. 2001-022

RESOLUTION PROVIDING FOR THE ANNUAL ELECTION OF THE COUNTY
BOARD CHAIRPERSON TO A ONE YEAR TERM

2/6/01

BY: PERSONNEL/JUDICIAL COMMITTEE (1/23/01)

- WHEREAS, The Michigan Senate has passed and the Governor has signed H B 5952, a bill to amend PA 156 of 1851, which defines the powers and duties of the county boards of commissioners, and confers upon said boards certain local, administrative and legislative powers; and
- WHEREAS, Among other things this newly enacted bill prescribes that the county board shall elect 1 member as chairperson and that the chairperson shall be elected each odd numbered year for a 2 year term, unless the county board of commissioners provides, by resolution, that the chairperson shall be elected annually to a 1 year term; and
- WHEREAS, The Board of Commissioners wishes to continue its long established practice of an annual election of its chairperson, and chairperson pro tem to 1 year terms and to be in compliance with the proposed amendment to PA 156 of 1851; Therefore, Be It
- RESOLVED That the Bay County Board of Commissioners hereby adopts this resolution providing for the annual election of the county **board chairperson to a 1 year term**; Be It Further
- RESOLVED That the election of a chairperson shall continue to take place during the annual organizational meeting which is conducted the first organizational meeting in January of each year.

MICHAEL F. HALSTEAD, CHAIRMAN
PERSONNEL/JUDICIAL COMMITTEE

CHAIR1YRTERM.

BAY COUNTY BOARD OF COMMISSIONERS 2/6/01 MEETING

RESOLUTION NO. 2001-022

MOTION NO. _____

MOVED BY COMM. HALSTEAD

SUPPORTED BY COMM. GWIZDALA

VOTE:

ROLL CALL: YEAS _____ NAYS _____ EXCUSED _____
VOICE: YEAS 8 NAYS 0 EXCUSED 1

DISPOSITION: ADOPTED X DEFEATED _____ WITHDRAWN _____
AMENDED _____ CORRECTED _____ REFERRED _____

*Revised Rules approved by Board of Commissioners 11/9/00, resolution no. 2000-294

**Revised Rules approved by Board of Commissioners 1/9/07, resolution no. 2007-11, as amended